

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EUGENE MILLER, JR., Individually and on
behalf of all others similarly situated,
Plaintiff,

v.

LENDING TREE, LLC, a North Carolina
Limited Liability Corporation,

Defendant.

No. 1:08-cv-2300

Honorable Judge James B. Zagel

DEFENDANT'S MOTION TO SUBSTITUTE COUNSEL

Pursuant to Local Rule 83.17, Defendant LendingTree, LLC ("LendingTree"), respectfully moves for leave to have attorneys David Z. Smith and Marina C. Santini of the law firm of Reed Smith LLP substituted as counsel for LendingTree. In support of this motion, LendingTree states as follows:

1. On April 22, 2008, the above-captioned proceeding was filed against LendingTree.
2. On May, 16, 2008, Craig A. Varga and Joshua D. Davidson of the law firm of Varga Berger Ledsky Hayes & Casey entered appearances on behalf of LendingTree.
3. LendingTree wishes to engage substitute counsel in this matter. Accordingly, LendingTree seeks entry of an order, pursuant to Local Rule 83.17, allowing its current counsel of record, Craig A. Varga and Joshua D. Davidson, leave to withdraw their appearances.
4. LendingTree also seeks entry of an order allowing David Z. Smith and Marina C. Santini of the law firm of Reed Smith LLP leave to substitute as its counsel and to file their appearances in this matter.

5. No prejudice will result to either Plaintiff or Defendant as a result of this withdrawal and substitution. LendingTree will answer or otherwise plead to Plaintiff's Complaint by June 23, 2008, as previously agreed by the parties.

WHEREFORE, LendingTree, LLC, requests that this Court enter an Order (A) granting Craig A. Varga and Joshua D. Davidson leave to withdraw their appearances in this matter; (B) substituting David Z. Smith and Marina C. Santini of the law firm of Reed Smith LLP as counsel for LendingTree, LLC, in this matter; and (C) (B) granting such counsel leave to file their appearances on behalf of LendingTree, LLC.

Dated: June 17, 2008

Respectfully submitted,

LENDING TREE, LLC,
Defendant

By: /s/ Craig A. Varga
One of Its Attorneys

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